

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Assignee: The Patent and License Exchange, Inc.
Title: Online Patent And License Exchange
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San Jose, California
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BOX PATENT APPLICATION
COMMISSIONER FOR PATENTS
Washington, D. C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

Please enter the following amendments before taking action on the merits of the above-referenced continuation application.

IN THE SPECIFICATION

Please delete the paragraph on page 1 lines 8-12 and replace with the following paragraph:

The present application is a continuation of U.S. patent application Ser. No. 09/665,187, filed September 16, 2000, which is a continuation-in part of U.S. patent application Ser. No. 09/580,005, filed May 26, 2000, which is a continuation-in-part of U.S. patent application Ser. No. 09/371,614, filed August 10, 1999, which claims priority from provisional patent application Ser. No. 60/124,847, filed on March 17, 1999.

IN THE CLAIMS

Please cancel claims 1-10.

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Please add new claims 11-43 as shown in the following complete set of pending claims.

11. (New) A computer system for enabling an intellectual property exchange, the computer system comprising:

at least one server computer connected to one or more client computers via a network;
and

a computer program executed by the server computer;

wherein the computer program further comprises computer instructions for:

storing information about an intellectual property asset in a database associated with the exchange, the information comprising a technology classification;

storing information about publicly traded securities according to the technology classification in the database;

generating a valuation of the intellectual property asset based on call option pricing theory, using the information about the intellectual property asset and the information about the publicly traded securities stored in the database;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted; and

receiving an acceptance of the bid from the seller of the intellectual property rights.

12. (New) The computer system of claim 11, wherein the information about the intellectual property asset comprises information from legal instruments conveying rights to the intellectual property asset and estimated time and cost to commercialize a product based on the intellectual property asset.

13. (New) The computer system of claim 11, wherein the information about publicly traded securities comprises enterprise value of companies in a same technology classification as the intellectual property asset.

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14. (New) The computer system of claim 11, wherein the call option pricing theory is the Black-Scholes theory.

15. (New) The computer system of claim 11, wherein the computer program further comprises computer instructions for transferring intellectual property rights from the seller to the buyer in response to the seller accepting the buyer's bid.

16. (New) The computer system of claim 11, wherein the computer program further comprises computer instructions for enabling the buyer to obtain insurance for the intellectual property rights, wherein the amount of insurance is based on the valuation.

17. (New) A computer system for enabling an intellectual property exchange, the computer system comprising:

at least one server computer connected to one or more client computers via a network;

and

a computer program executed by the server computer;

wherein the computer program further comprises computer instructions for:

translating quantitative information about attributes of a technology described by an intellectual property asset from user defined units to standard scientific units;

storing information about the intellectual property asset in a database associated with the exchange, the information comprising the user defined units and the quantitative information in standard scientific units;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted; and

receiving an acceptance of the bid from the seller of the intellectual property rights.

18. (New) The computer system of claim 17 wherein the quantitative information for each attribute comprises a description of the attribute, a minimum value of the attribute

achieved by the technology, and a maximum value of the attribute achieved by the technology.

19. (New) A computer system for enabling an intellectual property exchange, the computer system comprising:

at least one server computer connected to one or more client computers via a network;
and

a computer program executed by the server computer;

wherein the computer program further comprises computer instructions for:

storing information about an intellectual property asset in a database associated with the exchange;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted;

receiving an acceptance of the bid from the seller of the intellectual property rights;

enabling the buyer to obtain insurance for the intellectual property asset; and

transferring the intellectual property rights from the seller to the buyer using an escrow service.

20. (New) A computer system for enabling an intellectual property exchange, the computer system comprising:

at least one server computer connected to one or more client computers via a network;
and

a computer program executed by the server computer;

wherein the computer program further comprises computer instructions for:

storing information about an intellectual property asset in a database associated with the exchange, the information comprising a technology classification;

storing information about companies having publicly traded securities in the database, wherein the companies operate predominantly within the technology classification;

computing an index of market value corresponding to the technology classification as an average of enterprise values of the companies, using the information about the companies stored in the database;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted; and

receiving an acceptance of the bid from the seller of the intellectual property rights.

21. (New) A computer system for enabling an intellectual property exchange, the computer system comprising:

at least one server computer connected to one or more client computers via a network;

and

a computer program executed by the server computer;

wherein the computer program further comprises computer instructions for:

obtaining qualification information from potential buyers and sellers;

allowing only qualified buyers and sellers to exchange intellectual property rights;

storing information about an intellectual property asset in a database associated with the exchange;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted;

receiving an acceptance of the bid from the seller of the intellectual property rights; and
enabling the buyer to obtain insurance for the intellectual property rights.

22. (New) A method for enabling an intellectual property exchange using a computer system comprising at least one server computer connected to one or more client computers via a network, the method comprising:

storing information about an intellectual property asset in a database associated with the exchange, the information comprising a technology classification;
storing information about publicly traded securities according to the technology classification in the database;
generating a valuation based on call option pricing theory, using the information about the intellectual property asset and the information about the publicly traded securities stored in the database;
searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;
receiving a bid to acquire rights in the intellectual property asset from the buyer;
transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted; and
receiving an acceptance of the bid from the seller of the intellectual property rights.

23. (New) The method of claim 22, wherein the information about the intellectual property asset comprises information from legal instruments conveying rights to the intellectual property asset and estimated time and cost to commercialize a product based on the intellectual property asset.

24. (New) The method of claim 22, wherein the information about publicly traded securities comprises enterprise value of companies in a same technology classification as the intellectual property asset.

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25. (New) The method of claim 22, wherein the call option pricing theory is the Black-Scholes theory.

26. (New) The method of claim 22, further comprising transferring intellectual property rights from the seller to the buyer in response to the seller accepting the buyer's bid.

27. (New) The method of claim 22, further comprising enabling the buyer to obtain insurance for the intellectual property rights, wherein the amount of insurance is based on the valuation.

28. (New) A method for enabling an intellectual property exchange using a computer system comprising at least one server computer connected to one or more client computers via a network, the method comprising:

translating quantitative information about attributes of a technology described by an intellectual property asset from user defined units to standard scientific units;

storing information about the intellectual property asset in a database associated with the exchange, the information comprising the user defined units and the quantitative information in standard scientific units;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted; and

receiving an acceptance of the bid from the seller of the intellectual property rights.

29. (New) The method of claim 28 wherein the quantitative information for each attribute comprises a description of the attribute, a minimum value of the attribute achieved by the technology, and a maximum value of the attribute achieved by the technology.

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30. (New) A method for enabling an intellectual property exchange using a computer system comprising at least one server computer connected to one or more client computers via a network, the method comprising:

storing information about an intellectual property asset in a database associated with the exchange;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted;

receiving an acceptance of the bid from the seller of the intellectual property rights;

enabling the buyer to obtain insurance for the intellectual property asset; and

transferring the intellectual property rights from the seller to the buyer using an escrow service.

31. (New) A method for enabling an intellectual property exchange using a computer system comprising at least one server computer connected to one or more client computers via a network, the method comprising:

storing information about an intellectual property asset in a database associated with the exchange, the information comprising a technology classification;

storing information about companies having publicly traded securities in the database, wherein the companies operate predominantly within the technology classification;

computing an index of market value corresponding to the technology classification as an average of enterprise values of the companies, using the information about the companies stored in the database;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted; and

receiving an acceptance of the bid from the seller of the intellectual property rights.

32. (New) A method for enabling an intellectual property exchange using a computer system comprising at least one server computer connected to one or more client computers via a network, the method comprising:

obtaining qualification information from potential buyers and sellers;

allowing only qualified buyers and sellers to exchange intellectual property rights;

storing information about an intellectual property asset in a database associated with the exchange;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted;

receiving an acceptance of the bid from the seller of the intellectual property rights; and

enabling the buyer to obtain insurance for the intellectual property rights.

33. (New) A computer-readable storage medium operatively coupled to a computer system for enabling an intellectual property exchange using a computer system comprising at least one server computer connected to one or more client computers via a network, the computer-readable storage medium comprising computer instructions for:

storing information about an intellectual property asset in a database associated with the exchange, the information comprising a technology classification;

storing information about publicly traded securities according to the technology classification in the database;

generating a valuation based on call option pricing theory, using the information about the intellectual property asset and the information about the publicly traded securities stored in the database;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted; and

receiving an acceptance of the bid from the seller of the intellectual property rights.

34. (New) The storage medium of claim 33, wherein the information about the intellectual property asset comprises information from legal instruments conveying rights to the intellectual property asset and estimated time and cost to commercialize a product based on the intellectual property asset.

35. (New) The storage medium of claim 33, wherein the information about publicly traded securities comprises enterprise value of companies in a same technology classification as the intellectual property asset.

36. (New) The storage medium of claim 33, wherein the call option pricing theory is the Black-Scholes theory.

37. (New) The storage medium of claim 33, wherein the storage medium further comprises instructions for transferring intellectual property rights from the seller to the buyer in response to the seller accepting the buyer's bid.

38. (New) The storage medium of claim 33, wherein the storage medium further comprises computer instructions for enabling the buyer to obtain insurance for the intellectual property rights, wherein the amount of insurance is based on the valuation.

39. (New) A computer-readable storage medium operatively coupled to a computer system for enabling an intellectual property exchange using a computer system comprising at least one server computer connected to one or more client computers via a network, the computer-readable storage medium comprising computer instructions for:

translating quantitative information about attributes of a technology described by an intellectual property asset from user defined units to standard scientific units;

storing information about the intellectual property asset in a database associated with the exchange, the information comprising the user defined units and the quantitative information in standard scientific units;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted; and

receiving an acceptance of the bid from the seller of the intellectual property rights.

40. (New) The storage medium of claim 39 wherein the quantitative information for each attribute comprises a description of the attribute, a minimum value of the attribute achieved by the technology, and a maximum value of the attribute achieved by the technology.

41. (New) A computer-readable storage medium operatively coupled to a computer system for enabling an intellectual property exchange using a computer system comprising at least one server computer connected to one or more client computers via a network, the computer-readable storage medium comprising computer instructions for:

storing information about an intellectual property asset in a database associated with the exchange;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted;

receiving an acceptance of the bid from the seller of the intellectual property rights;

enabling the buyer to obtain insurance for the intellectual property asset; and

transferring the intellectual property rights from the seller to the buyer using an escrow service.

42. (New) A computer-readable storage medium operatively coupled to a computer system for enabling an intellectual property exchange using a computer system comprising at least one server computer connected to one or more client computers via a network, the computer-readable storage medium comprising computer instructions for:

storing information about an intellectual property asset in a database associated with the exchange, the information comprising a technology classification;

storing information about companies having publicly traded securities in the database, wherein the companies operate predominantly within the technology classification;

computing an index of market value corresponding to the technology classification as an average of enterprise values of the companies, using the information about the companies stored in the database;

searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;

receiving a bid to acquire rights in the intellectual property asset from the buyer;

transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted; and

receiving an acceptance of the bid from the seller of the intellectual property rights.

43. (New) A computer-readable storage medium operatively coupled to a computer system for enabling an intellectual property exchange using a computer system comprising at least one server computer connected to one or more client computers via a network, the computer-readable storage medium comprising computer instructions for:

obtaining qualification information from potential buyers and sellers;
allowing only qualified buyers and sellers to exchange intellectual property rights;
storing information about an intellectual property asset in a database associated with the exchange;
searching the database for information about the intellectual property asset according to one or more search criteria specified by a buyer;
receiving a bid to acquire rights in the intellectual property asset from the buyer;
transmitting the bid information to a seller of the intellectual property rights for which the bid is submitted;
receiving an acceptance of the bid from the seller of the intellectual property rights; and
enabling the buyer to obtain insurance for the intellectual property rights.

REMARKS

New claims 11-43 are presented for prosecution in this continuation application.

Should the Examiner wish to discuss any aspect of the present application, the Examiner is invited to telephone the undersigned Agent for Applicants at 408 453 9200.

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Respectfully submitted,



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AMENDMENTS

IN THE SPECIFICATION

Page 1, lines 8-12

The present application is a continuation of U.S. patent application Ser. No. 09/665,187, filed September 16, 2000, which is a continuation-in-part of U.S. patent application Ser. No. 09/580,005, filed May 26, 2000, which is a continuation-in-part of U.S. patent application Ser. No. 09/371,614, filed August 10, 1999, which claims priority from provisional patent application Ser. No. 60/124,847, filed on March 17, 1999.

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